

# WEATHER REPORT.

SAN FRANCISCO, Feb. 7.—Cloudy, tonight and Friday, high SE wind. Northern California. Cloudy tonight and Friday; heavy frost Friday morning in the interior; light S wind.

# Oakland Tribune.

The TRIBUNE is the only paper in this County that can print the Associated Press dispatches. It also gives a full local report.

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NO. 30

## SUPREME COURT MUST DECIDE.

### Judge Ogden Gives Decision in Water Front Case.

#### W. R. Davis Says the Higher Court Must Determine the Law.

Judge Ogden filed an opinion this morning in the suit of the city of Oakland against the Oakland Water Front Company to quiet title to tide lands through which some of the principal streets of the city pass to the deep water line.

The Judge holds briefly that the title to the land is still vested in the city, provided it owned the water front prior to 1863, when the streets were dedicated to public use.

That part of the question is left open and will have to be passed upon by the Supreme Court, although at the trial of the case it was assumed that the city owned the water front prior to 1863, when it decided it to the Oakland Water Front Company.

The streets affected by the present opinion are Broadway, Washington, Clay and Jefferson on the south side, and Bay and all the streets from Twelfth to Twenty-second street on the west side from the high to the low tide line.

City Attorney Dow stated this morning that from a hasty perusal of the decision he believes it to be entirely favorable to the city.

"The Supreme Court held," he said, "that the Water Front Company's title was good except to the land through which streets had been dedicated prior to 1863. The point then involved was as to the city's right to close dedicated streets and deed the land away. Judge Ogden holds that it did not."

Special Attorney W. R. Davis for the city does not agree with Dow on the subject. Mr. Davis says the Supreme Court must decide the case.

The decision of Judge Ogden simply means that the Supreme Court must pass on the law involved in the case.

An appeal will be taken to the Supreme Court.

The decision follows: "This is an action to quiet title, brought by the city of Oakland, plaintiff, against the Water Front Company, defendant.

"The cause was tried and an opinion rendered by the trial court in July, 1899, an appeal by the defendant was taken from the judgment rendered in favor of the plaintiff; and the Supreme Court reversed the judgment and order refusing a new trial.

"The cause was originally prosecuted, defended and tried upon the theory that the lands in controversy underlaid the entire waters of the estuary, and a large strip of water westward of the city, and beyond the line of low tide. That, such being the case, neither the Legislature nor her municipal agents had the right to convey said lands under the navigable waters of the bay in omnibus, but only in parcels, and then in aid of commerce and navigation. That under the Act of Congress admitting this State into the Union it was 'upon the express condition' that all navigable waters within the State shall be common highways and forever free, as well to the inhabitants of said State as to the citizens of the United States. That while this latter provision did not absolutely protect the disposition of lands under navigable water, yet it compelled the State to declare its policy with reference thereto; and that as to such lands which might be deemed more valuable when reclaimed, or necessary to be reclaimed to aid commerce, a fee might be conveyed in aid of such reclamation, subject to the sanction of the Federal Government. That as to the line between low and high tide (which were assumed to be lands beneath navigable waters), it was held by the State or her municipal agents upon the high trust: First and paramount, in aid of navigation and commerce and fishery. Secondly, to permit access to the channel by those who may have derived their title from the State or United States and purchased their lands upon the line of high tide, with a view to its accessibility by them, and upon the faith that they should have access thereto, unless the public good forbade.

"Five Justices of the Supreme Court concurring determined that the land in controversy was not as extensive as first presumed, but constituted the strip between the low and high tide line lying on the south and west sides of the city of Oakland. Three of said Justices found that as to such lands the town of Oakland originally had no power to convey, but the sole right vested with the State; that the State, by the passage of the Act of March 2, 1863, enabled the city to convey the lands in question and the subsequent ordinances of the city passed April 1st and 2d, 1863,

## TRIED MURDER AND SUICIDE.

### Berton Henderson Shoots Fannie O'Neil and Kills Himself.



BERTON HENDERSON AND FANNIE O'NEIL.

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Driven to desperation by a marriage engagement arbitrarily broken off by the object of his love, Berton Henderson last night shot his innamorata, Miss Fannie O'Neil, in the head, wounding her in a serious manner. He then turned his revolver upon himself. The bullet crashed into his head behind the right ear and death came to him within a few moments.

The tragedy was enacted in room No. 2, Ross House, 463 Ninth street. As a consequence Miss O'Neil now lies in a precarious condition at the Receiving Hospital, her face drawn, her eyes swollen and discolored, with a bullet hidden on the right side of her head behind the temple, and a face that was more than usually pretty marked for life.

Henderson, bloody, with a ghastly wound in the head, lies dead at the morgue, and so far as known, without immediate friends to care for his remains.

The first intimation of the bloody deed was that received by the landlady, Mrs. Wood, about 11:20 o'clock. It was a noise such as would be made by the breaking of furniture. This was soon followed by a scream which reached the ears of another landlady of the house. It was made by a young woman, partially dressed, in the doorway of room 2. The landlady rushed to the scene, found Miss O'Neil with her face bathed in blood, and Henderson lying gasping and dying on the bed. Death soon ensued.

The police and coroner were notified of the occurrence. Miss O'Neil was taken to the Receiving Hospital and Henderson to the Morgue.

The surgeons found that the bullet had entered Miss O'Neil's left cheek, then ranged downward and again upward, lodging in the opposite side of the head. The wound, they declared, was not necessarily fatal and they postponed the extracting of the missile until the exact location could be determined by means of the X-ray.

While the probing was in progress Miss O'Neil displayed a nerve and fortitude which commanded the admiration of the surgeons in charge.

After his removal to the Morgue, Henderson's clothes were searched but there was nothing found in them to identify him or to shed light on the tragedy, at least so far as he was concerned. Henderson's coat, however, had been placed around Miss O'Neil when she was taken to the Receiving Hospital to protect her from the chill night wind and in the pockets were found a couple of tinypens taken at the \*\*\*\*\*

## DEATH'S CARNIVAL

### Five Hundred Persons Perish in Russian Conflagration.

Associated Press Dispatches by The Tribune's Special Leased Wire. ST. PETERSBURG, Feb. 7.—A dispatch from Baku to the Russia says 500 persons perished in the conflagration there.

The flames are again beyond control. The police station, ten large tenements, 500,000 tons of mousat, 2,500 tons of naphtha and all the Rothschild reservoirs were burned.

The Journal of Commerce and Industry says Tmousse Lake is burning. The Maxout caused explosions which killed many of the spectators.

## CAPTAIN DUNHAM DEAD.

Associated Press Dispatches by The Tribune's Special Leased Wire. CHICAGO, Feb. 7.—Captain J. S. Dunham of this city died suddenly today.

Captain Dunham was recognized as an authority on all lake marine matters. Toward his life was devoted to the sailing and wrecking business and up to two years ago, when he sold

CHIEF House in San Francisco on New Year's Day, in both of which the unfortunate girl, seemingly happy, was employed in the arms of her would-be murderer.

There were also found two letters of recommendation for Henderson showing that he had worked for a man named J. Leroy Nickel and P. K. Merrill, superintendent of the Palo Alto Stock Farm.

There was also found an envelope bearing the postmark "Arboretum, Neb." This was addressed to "B. Henderson, 116 Turk street, care of Mrs. J. Moffitt." It also bore the return business address of a grocer named Taltchell. On the left side of Henderson's name were the following words: "Mrs. D. S. Taltchell, Arboretum, Neb., my sister's address."

This was written in pencil in a rough, uncertain hand. The writing was recently done, as if the writer had premeditated his murderous act and wished to make known the whereabouts of his relatives.

Miss O'Neil was seen by a TRIBUNE reporter this morning and gave her story briefly as follows:

"I have known Mr. Henderson for a few months. We met at the lodge of United Moderns in this city. We became engaged to be married. He said he was working for the Telephone Company in San Francisco. He had also worked for Mrs. Goodall at Pierce and McAllister streets, San Francisco. Three months ago I broke off the engagement. He was jealous, bossy and fussy. He threatened to shoot me several times.

"Last night I met him and he forced me at the point of a pistol to go to the Ross House under penalty of death. He insisted on my disrobing in the room. That was about 7:30 o'clock. About 11:30 he wanted me to promise to marry him. I told him I could not do it. He then fired twice at me. One bullet struck me in the face. The other failed to hit me and then Henderson shot himself. Then the fact became known."

"I left my home in York, December 27, 1899, to have an operation performed for an abscess on the head. It was done in January of last year in the Sanatorium of Central Avenue, San Francisco. It was July before I recovered. I then came to live with my sister, Mrs. Harry Nichols, 121 1/2 Dorado avenue. Six months ago I went to work in Dr. A. S. Larky's office. I had been there since I have another sister, Mrs. De Witt in Greenville.

"We came from Denver four years ago. We lived here several months. My father is a lawyer. He had an office in the Blake & Moffitt building at Eighth and Broadway. He then moved to York, where he is now a member of the law firm of O'Neil & Tucker. He was down here Christmas and gave his consent to my marrying Henderson."

The suicide and would-be murderer is about 25 years of age, and he intended victim is about 22 years of age. She has oval features, is a brunette and is possessed of more than ordinary intelligence.

Miss O'Neil's sister, Mrs. Nichols, was seen this morning. She said that Fannie had been making her home with her and left there last night to attend the meeting of United Moderns. Mrs. Nichols knew nothing of the alleged assault and this morning's papers. She was not, she said, alarmed when Fannie did not return last night, because the girl frequently remained in the town with friends at night.

This afternoon Miss O'Neil, under the direction of her sister, was removed to the East Bay Sanatorium, where she will receive surgical treatment.

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## TRAINS IN COLLISION.

Associated Press Dispatches by The Tribune's Special Leased Wire. PITTSBURGH, Pa., Feb. 7.—The Pennsylvania limited express train ran into the rear of the Cleveland express on the Pennsylvania line at the Allegheny avenue crossing this morning, wrecking the engine of the limited and the rear sleeper of the Cleveland express. The passengers on the limited were shaken up but not injured. Only one passenger on the Cleveland express, Henry Lubling of New York, was seriously injured, but several sustained slight bruises. Failure to flag the limited is said to have been the cause of the collision.

## Milk Train Wrecked.

Associated Press Dispatches by The Tribune's Special Leased Wire. EASTON, Pa., Feb. 7.—The Lehigh Valley milk and paper train from New York was wrecked at Green's Bridge, N. J., four miles below here, early today. The train was running sixty miles an hour. All the cars were more or less injured. None of the crew or passengers were injured.

## Maurice Thomson Dying.

Associated Press Dispatches by The Tribune's Special Leased Wire. CRAWFORDSVILLE, Ind., Feb. 7.—A sudden change for the worse took place in the condition of Maurice Thomson, the author, last night. His relatives have been summoned and hope for his recovery has been practically abandoned.

## FIVE DIE IN WRECK.

### Many Others Injured By Derailling of a Train.

Associated Press Dispatches by The Tribune's Special Leased Wire. GREENVILLE, Pa., Feb. 7.—While running at a high speed passenger train No. 5 on the Erie road was wrecked near here today. Five passengers were killed outright and ten injured.

The dead:

Unknown man, had ticket for Rushville, Ind., and postal card in his pocket addressed to the Adams Produce Company, Rushville, Ind.

HARRY A. HART, Sergeant-Major Tenth Infantry, bound for Fort Cook, Neb.

PETER J. CURRY, same, home in Philadelphia.

Man about 25, supposed to be Clarence Leek, Somerville, N. J.

Unknown man, still in the wreck.

The injured:

CARME GOLIGEUR, Carbondale, Pa.

CARME GRACIO, Carbondale, Pa.

JAN LESTER SMITH, Caneto, N. Y.

JOSEPH KENNEDY, Springfield, Mass., private Tenth Infantry.

WILLIAM D. MOORE, Brooklyn, W. T. McINNIS, Portland, Ind.

O. H. SIMONS, Kent, Ohio, brakeman.

C. HENRY, baggage-master, Meadville, Pa.

B. A. MARSDEN, Philadelphia, seriously.

D. LEIK, Somerville, seriously.

The injured were taken to Meadville Hospital by a special train. The train was running very fast at the time and was derailed because of the breaking of a strap at the rail joint.

Where the accident occurred is a sharp curve and a very steep embankment. About forty feet below is the Little Shenando river and from the track to the top of the hill is about 60 feet. The train was made up of mail and express, combination baggage and smoker, and four Pullman coaches. The engineer had whistled for the Greenville station when the engine left the rails, followed by the mail car, combination cars and one of the coaches.

After running about the length of the train the engine struck the hill and almost buried itself. The mail car telescoped the combination car and was where all the fatalities occurred.

The engineer and fireman escaped by jumping. Many rescuers were quickly at work and surgeons were on hand as soon as the first body was taken from the wreck.

Charles Henry, baggage-master, died after being taken to the hospital, making the number of dead six.

## KING OF ITALY HAS HARD TASK.

### Cabinet Resigns and He Must Select Another.

Associated Press Dispatches by The Tribune's Special Leased Wire. ROME, Feb. 7.—Signor Saraceno tendered the resignation of the Cabinet this morning. King Victor Emmanuel will consult with the President of the Senate and Chamber of Deputies and the various party leaders today and tomorrow before designating a new Premier.

He is confronted with a task of great difficulty, owing to the chaotic condition of the Parliamentary parties. The majority, which defeated the government yesterday, consisted of a transitory coalition of the members of the Right and Left, only the Radical group supporting the government. The Socialists opposing the Cabinet, because they considered it not sufficiently liberal.

While the Rightists accused it of lacking a coherent policy and yielding to the Socialists. The fall of the ministry was thus due to diametrically opposed reasons. Yesterday the coalition disappeared.

## INTERNATIONAL TRUST.

Associated Press Dispatches by The Tribune's Special Leased Wire. LONDON, Feb. 7.—The visit of H. W. White of the National Salt Company to England is reported in connection with closing a deal by which the American company will be largely enabled to control the salt business of the United Kingdom.

## Lady Curzon in Good Health.

Associated Press Dispatches by The Tribune's Special Leased Wire. CALCUTTA, Feb. 7.—The health of Lady Curzon, wife of the Viceroy of India, is excellent. The rumors that she will not return to India are unfounded.

## Smallpox Among Hussars.

Associated Press Dispatches by The Tribune's Special Leased Wire. LONDON, Feb. 7.—Smallpox has broken out among the Thirteenth Hussars at Norwich.

## WEDDING OF WILHELMINA.



QUEEN WILHELMINA.

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### Holland's Queen and Duke Henry are Married With Impressive Ceremonies.

Associated Press Dispatches by The Tribune's Special Leased Wire. THE HAGUE, Feb. 7.—The civil ceremony of the marriage of Queen Wilhelmina to Duke Henry of Mecklenburg-Schwerin was carried out at 11:30 in accordance with the program.

THE PROCESSION.

Immediately afterwards the procession started for the church, headed by fifty hussars, the bride, bridegroom and Queen mother riding in a golden state carriage drawn by eight horses. They were warmly acclaimed by the crowds assembled. The church was reached soon after noon.

The civil chaplain, Dr. Van der Vlier, delivered before the bride and bridegroom, delivered an address. His text was from the Fourth Psalm, "Lord, Lift Thou Up the Light of Thy Countenance Upon Us."

"The festival hour has arrived," said the pastor, "wherein the entire people has its share of delight. The ruler sacrifices his own desires for the good of his people, and the people and the ruler have had to leave the side of a dearly loved mother. In the future, too, be sure, the reverses of life will fall to your lot. Do not then forget the prayer of David: 'Lord, lift thou up the light of thy countenance upon us. It will be necessary for you, if you are to fulfill fully the duty of marriage, to fulfill the duty of love in your mutual relations. In that relation man is the head and woman is the heart. The pain in this prayer will also be your help when you have to bear your mutual burdens.'"

PASTOR'S WORDS.

"This union which we today are celebrating has already demanded sacrifice. The husband has had to leave his country and people and the bride has had to leave the side of a dearly loved mother. In the future, too, be sure, the reverses of life will fall to your lot. Do not then forget the prayer of David: 'Lord, lift thou up the light of thy countenance upon us. It will be necessary for you, if you are to fulfill fully the duty of marriage, to fulfill the duty of love in your mutual relations. In that relation man is the head and woman is the heart. The pain in this prayer will also be your help when you have to bear your mutual burdens.'"

SUNSHINE AND HAPPINESS.

WASHINGTON, Feb. 7.—Minister Newell, stationed at The Hague, cables to the State Department today that Queen Wilhelmina and Duke Henry of Mecklenburg-Schwerin were married today at 1:30 o'clock. The dispatch concludes as follows:

"The newly-weds are filled with happy people and brilliant sunshine."

## SUICIDE IN ST. PAUL'S.

Associated Press Dispatches by The Tribune's Special Leased Wire. LONDON, Feb. 7.—A profound sensation was caused during the service at St. Paul's Cathedral this morning by an elderly Italian shooting himself in the head. He died from the effects of his injury. The shooting was due to depression, owing to the fact that he was out of work. The man has not been identified.

## NO ROCK ISLAND DEAL.

Associated Press Dispatches by The Tribune's Special Leased Wire. CHICAGO, Feb. 7.—President W. G. Purdy of the Chicago, Rock Island and Pacific today made an absolute denial of the report circulated on Wall street that the Rock Island system had acquired a controlling interest in the Central American Railroad.

"No such action is contemplated," said Mr. Purdy.

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The entire stock of popular priced Tablets, purchased from a large wholesaler, will be placed on sale today at prices that positively assure you double value for your money—no discount for quantity.

"Guardian" Tablets—note or pocket size—good quality, smooth surface paper—each Tablet contains 120 sheets—were marked to sell at 10c Special 5c

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## EXPERT HENNY TRIES TO EXPLAIN.

### Telling Questions Put to the Engineer By Attorney M'Cutecheon.

In his closing testimony yesterday D. C. Henny, the expert for the city, testified in the water case that he had not taken into consideration the cost of acquiring lands and water rights for the proposed Pinole system. He knew nothing about what suitable sites for distributing reservoirs in the city would cost nor had he considered that it might require long and expensive condemnation proceedings before the city could gain a title to the drainage area. He had simply estimated the cost of the structural part of a water system at Pinole and had valued the Contra Costa plant by this estimated cost, less assumed deterioration.

Councilman Mott's rubicund visage and vacant smile gave a tinge of broad farce to the proceedings this morning. His damp under lip hung out large and fresh like a cut of rare roast beef, and his small eyes twinkled like those of a predatory pig that had found a crack in the corn crib. It is a philosophical study how a man can look so foolish and apparently be so happy. It would seem that there is physical enjoyment in mere stupidity.

A LOW RATE OF INTEREST.  
Engineer Henny said he had in his calculation allowed the Contra Costa Company 7 per cent interest for the years 1888, 1889 and 1890. From the latter year to 1895 he scaled the rate gradually down to 5 per cent, which was the rate he allowed for the past years.

"Are you aware that bonds issued by the company drew interest at the rate of 7 per cent down to 1888?"  
"Yes."

"Then by your method of computation you have allowed the company a less rate of interest than it was actually paying for borrowed money?"  
"I am aware that 7 per cent was paid on outstanding bonds from 1870 to 1888."

"Does not the rate of interest you have assumed materially affect the amount of loss or gain that you have assumed?"  
"If it is all in the rate of interest, if you take 10 per cent as the rate the loss may be figured as millions, and if you take 2 per cent the gain would be millions."

"Is it not usually considered proper that the holders of stock should receive a larger profit on a paying business than the rate of interest paid to holders of bonds?"  
"Yes; the bondholders are usually secured in their investment, while the stockholders take all the risk."

making no allowance for deterioration, what is the net profit?"  
"Five per cent less the amount of deterioration."

"Which estimate at 21-2 per cent?"  
"Yes."

"Then the net profit is 21-2 per cent on \$2,500,000, is it not?"  
"Yes."

"What sum does it return a net profit of 5 per cent?"  
"A million and a half."

"How much is it 6 per cent interest on?"  
"Oh, about \$1,200,000."

"How much is it 7 per cent interest on?"  
"\$1,071,000."

"The rates fixed by the Council according to the report of the Pinole and Water Committee provide for a net income on a valuation of \$3,000,000 of 5 per cent over and above operating expenses, making no allowance whatever for renewals or deterioration. Thus out of the mouth of its star expert the corporation's attorney has proved that the net income actually allowed is 5 per cent on \$1,500,000; 6 per cent on \$1,200,000 or 7 per cent on \$1,071,000. While this damaging testimony was being wrung from the witness Henny gave frequent and flagrant displays of plantation manners; he was more than usually insulting in his interruptions, and stopped at nothing to break the force of the admission forced from his expert.

THE WITNESS DOUBLES.  
"Suppose a plant costing \$3,000,000 in actual money resulted in a net income of \$1,500,000 and you added one year's interest on this sum in figuring the cost of the plant?"  
"Yes."

"Suppose the current rate of interest to be 6 per cent; you would say the actual cost of that plant is \$3,150,000?"  
"I think I would."

"Now, if the owner has to conduct that plant for six years after completion without a cent of revenue above the cost of operation; would you add the unpaid interest to the cost of the plant?"  
"I should call it a loss in business," replied the witness after some hesitation, "this should form the rule he had just laid down."

According to his method of computation the value of the plant for rate fixing purposes at the end of the six years would be \$2,715,000, that is, the owners would have lost six years' interest and an actual shrinkage of invested capital to the extent of \$175,000. At a 6 per cent rate this would mean an interest loss of \$1,115,000, which added to the depreciation would constitute an aggregate loss to the investor of \$1,290,000.

Apparently Henny has squeezed the valuation down by assuming an excessive rate of depreciation and calculated the amount of interest that the company should have received in the past at an exceedingly low rate.

"Assuming that the plant cost \$3,000,000, and that it was two years in course of construction; assuming that the rate of interest is 6 per cent and that for six years after its completion it was operated without any return or the investment; will you say the investment in that plant is not \$1,290,000?"  
"It depends on what you call investment."

"If you were the investor, would you not say that the investment was \$1,290,000?"  
"Probably I would, but I would say including interest, so that my meaning would be understood."

The hypothetical case cited in the question exactly covers the position of the Contra Costa Company.

AN EXTREME CONDITION.  
"Suppose a plant costing \$2,000,000 has depreciated to an amount that is \$1,000,000, is it not \$1,000,000; would you deduct \$1,000,000 from the valuation even if the rates had not provided for it?"  
"Yes."

"Suppose that the depreciation could be replaced for \$100,000; would you still deduct \$1,000,000 from the valuation?"  
"Yes, because on that assumption the whole plant could be replaced for \$200,000."

Then the value of the plant would only be one-eighth what it cost?"  
"That's right."

During the examination the witness grew flippant whenever he was pressed to a corner. As the method was drawn tighter he grew more facetious, and finally became as humorous as a covey of the Filiceus Blatter. In fact, his general make-up and manner are highly suggestive of the little Dutchman pictured in the pages of that comic journal. He also has a stout flavor of Frankfurter and Limburger. He was still juggling with figures and counting sundry sundry victims when the noon recess was taken.

PROPERTY OMITTED FROM VALUATION.  
Just before lunch Expert Henny said that he had totally ignored various items in the cost of construction aggregating \$230,000, because the structures had disappeared or been discarded. Among these was \$14,000 for the abandoned dam at Temescal and \$35,000 for work on the Central reservoir, which had never been completed. Witness admitted that he had no reason to believe that the amounts stated had not been expended as testified to, but he omitted them in his valuation because the dam at Temescal had been abandoned while the Central reservoir is not at present in use.

"Suppose the work on the Central reservoir was suspended because the Council had voted it was better to stop it and erect a dam at San Leandro; and the company had continued that reservoir site with the intention of completing it when it was able to do so; do you not think the money expended upon it should be included in the value of the plant?"

"There is no evidence that the Council made any such suggestion," interrupted Henny.

"Oh, yes, there is," said M'Cutecheon. "The evidence is that some member of the Council suggested it," replied Henny.

"What the Council does is its official action."

"But it is a fact that the work was abandoned in obedience to a suggestion coming from the Council and which was in the nature of a command."

"I have not inquired why the work was stopped," said the witness. "I have only ascertained that the reservoir is not used in supplying the city with water."

Applying his method of determining the value of the plant, Henny estimated the value of the system by which it is distributed, the witness estimated the daily supply of San Leandro and Temescal at 550 inches worth \$1.95 an inch or a total of \$1,072,500. The Alameda supply is estimated at 355 inches, worth \$788 an inch, or a total of \$2,793,500. If this assumed value of water developed were deemed the value of the plant, it would have to be added to Henny's valuation of \$2,500,000 for the physical structures of the plant. The addition of \$1,370,000 estimated value for water rights would bring the total up to \$3,872,500 after deducting for assumed deterioration and making no allowance for loss of interest. If these two items were added the total would be something over \$5,000,000. Adding the \$250,000 for abandoned structures and the land values and the aggregate would not be very far from \$5,000,000.

Thus, Henny, the expert for the city, and Engineer Adams, do not vary greatly in calculations, though they are wide apart in conclusions due to radically opposed theories of what constitutes value.

IGNORING THE INVESTMENT.  
"Mr. Henny, in your financial computation do you not entirely ignore the amount of money paid in on stock subscriptions and bond sales?"  
"Oh, entirely."

"An analyst of his figures showed that he had made arbitrary assumptions as to the amount of money invested in the plant at the various periods named in his interest computation."

"Have any of the principals (meaning amount of investment) on which you have calculated loss and gain been testified to in this case?"  
"No."

"How do you estimate additions to the plant since 1868 compared with the reports filed with the Council by the company?"  
"My estimates of additions foot up \$47,500 more than the reports of the company show."

"The additions reported by the company being smaller than yours, would you say the reports were false?"  
"So far as I can see, yes; there is nothing strikingly wrong in them."

The impact of this answer lies in the fact that the defense has by this time admitted that the reports from the state, suggesting that operating accounts were carried into construction account in order to swell the investment. Another thing, Henny's figures indicate that in order to decrease the interest charge during the earlier period he had arbitrarily placed in the columns of additions some \$57,500 of original investment.

YESTERDAY'S PROCEEDINGS.  
When THE TRIBUNE went to press yesterday, Expert Henny was still on the stand.

"MY POOR FRIEND MILLER."  
It developed that Mr. Henny had had very little experience in managing and operating water works; practically, all his experience in this line being derived from his connection with the West Los Angeles water works.

"Do you think a man who has never built, managed or operated water works is competent to give an expert opinion as to the value of a water works?"  
"That is aimed at my poor friend Miller," exclaimed Henny.

"Mr. M'Cutecheon desires to make Mr. Henny give an answer that will reflect upon the qualifications of Mr. Miller."

M'Cutecheon let it go at that, and tried to get at the meaning of the expression in Henny's article of "allowance for business built up."

"Do you think a man who would not consider the expense of building a business up an element of value?"  
"I don't know that I said it before, but I say so now."

"What did you mean by the expression of 'allowance for business built up' in your article?"  
"That referred to a company operating under a limited franchise."

"But the only thing certain was that the company had a plant but no right to do business. If the other things were bare possibilities?"  
"Yes."

"Did you not say that, where the franchise of a water works is about to expire, it is deemed proper for the municipality to take over the plant it is difficult to see how the valuation should be more than the cost of duplication less depreciation, with a sufficient allowance for business built up?"  
"Yes."

"Did you not there say that an allowance for business built up in fixing value?"  
"I did not say the allowance should be made, but that it was difficult to see how the valuation could be more than the cost of duplication less depreciation with such an allowance for business built up."

"Henny subsequently read from an article to show that if a franchise was not renewed at its expiration, and the city took over the plant it was not exacted that the value of the plant and low tide scrap value for such parts as it could use."

"Are you not valuing this plant as scrap?"  
"No; I have told you what I mean. Suppose a plant cost \$1,000,000, and had been in operation ten years and depreciated \$250,000; and that the franchise had expired, and the city desired to take over the plant and could use every part of it; would that \$750,000 be what you call scrap value?"

"Scrap value may reach such a proportion that it becomes merged into actual value; the two become identical. In that case, the scrap value would be 100 per cent—\$750,000."

Although the question was answered for the business and not for the city, Henny said that he wished to show and I think I will make it plain to the Court that this witness has valued our plant as scrap."

Among the plants at \$2,000,000 less \$1,000,000 depreciation; does that \$1,000,000 remainder represent scrap value?"

The witness answered "no," but made a forceful distinction that left the matter as muddled as ever. Then he made a demonstration on the black-board to show what he meant by allowance for business built up.

"Suppose," said he, "that the plant could be duplicated for \$1,000,000 and had depreciated \$250,000, the value would be \$750,000. If the franchise had expired, and the city desired to take over the plant and could use every part of it; would that \$750,000 be what you call scrap value?"

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On the basis of this demonstration, the defense would be entitled to proceed with a demand for \$600,000 if the depreciation had been provided for in the rates and \$850,000 if it had not been provided for. Mr. Henny's theory being that the city should be allowed for investors in municipal water plants.

Being pressed on this point by M'Cutecheon, the witness said he was dealing with a case in which the company had a monopoly during the life of the franchise; but the lawyer promptly showed, by the article itself that such a monopoly was not a valid defense.

"You mean that it is practically an exclusive franchise where other franchises may be issued, but are not likely to be issued?"  
"Yes."

"Oh, that's plain enough," sneered Henny.

"Very clear, indeed," retorted M'Cutecheon. "An exclusive franchise is one that excludes all others from the business. I never saw anything clearer."

"Do I understand you to say that it would cost \$772,500 to place the official value of the system in a condition to distribute all the water that comes from San Leandro and Alameda with the efficiency that it is now distributed?"  
"Yes."

THE PINOLE SYSTEM AGAIN.  
"Mr. Henny, you have stated that you have valued this plant as scrap. What cost of duplication at Pinole, less assumed depreciation; suppose the Pinole system would cost three times what you have estimated that it would cost; would you say the value of this plant was three times the value you would put upon it?"  
"I have said that I valued this plant by the cost of duplication, and what the value would be in the case you state without study. Give me three months to think it over, to study, the case in all its bearings, and I could tell you."

The case went over till this morning.

## SUPREME COURT MUST DECIDE.

(Continued From Page 1.)

and cannot be considered in explaining its meaning.

POLITICAL HISTORY OF STATE.  
"It is true that the political history of the State may be looked into in determining the reasons for an Act, but I do not think it will be contended that the inducement offered the Western Pacific R. Co. by Carpenter became in 1868 a part of this State's political history, and I know of no case which lays down the rule that where plain and unambiguous words are used in a statute they shall be specially applied, limited or defeated by the political history of the State."

"It is true that a grant by the State of lands under tide water may be interpreted—as to its reasonableness—by the surrounding circumstances, and in this connection it might be, and was proper to inquire into all the circumstances of the grants of the Oakland water front to ascertain their reasonableness; and it might well be argued that the grant to the Western Pacific Railroad of the parcel allotted to it was as a grant to a great transportation company whose needs require harbor facilities directly in aid of commerce and navigation. Indeed, it would be but the grant of land, which in the absence of a voluntary conveyance might be taken by the exercise of the right of eminent domain."

"In the interpretation of the power to make such grants we are guided by the Act itself—the language being unambiguous."

Section 3 of the Act of Incorporation, the city is given the right to sell, or otherwise dispose of, the common property. It was provided that the land in controversy should be retained by said town as common property or disposed of for the purposes aforesaid."

"If navigable waters consist only of that portion of the sea below the line of low tide (and the language of the learned Chief Justice and Justice McFarland and Garretts so convince me) that the land above that line, like any other property is by this decision made subject to sale and transfer. A transfer by the city while vesting title in its grantees, still leaves in its hands the political power to condemn such portions thereof as may be necessary for the use of streets."

NAVIGABLE WATERS.  
"If the navigable waters as understood by our Supreme Court included the waters above the line of low tide, then Mr. Justice McFarland and Justice Garretts of necessity must have expressed an opinion upon the power of the State to dispose of her lands lying under navigable waters, and the language used by them could not be inapplicable to a view not for a moment to be entertained."

"Taking then as our premise that the lands in question were proprietary and specially reserved to the city, and the ordinance in favor of the inhabitants of the State or the citizens of the United States for the purposes of navigation and commerce and fishery and that the lands between the high and low tide lands are not covered by navigable waters, our task is not a hard one, and numerous decisions light our way to a correct solution of the problem before us."

"We will consider first the effect of the ordinances of the city declaring, establishing or constituting certain streets, public streets or highways, of the city of Oakland. I think it must be assumed that the city had power to dedicate for the purposes of highways such land belonging to it and subject to her control."

"The land lying below the line of low tide in the estuary had already been dedicated as a water highway by the Great Delta, to whom we all owe our leisure and such dedication had been accepted and declared by our Legislature; therefore it must be conceded that under the general power given to the plaintiff to lay out, make, open, alter, keep in repair, all streets it was not intended to impair the right of the public in the waters of the estuary as defined by the appellate court. Therefore the attempted dedication of these certain streets over the land in question and to the southern boundary of the city could not be effective beyond the line of low tide."

"That the weight of authority is in favor of the proposition that a city can and may by ordinance dedicate land (held by it under no inalienable trust) to public use as a street, and that the mere passage of such an ordinance makes complete the dedication."

"To constitute a dedication there must be the offer to dedicate and the acceptance of such an offer."

"If the city was the owner of the property in question it had the power to offer to dedicate such parcels thereof as might be necessary for streets, and as the representative of the people it had the power through its legislative body to accept such offer. And the offer and acceptance may be in the same instrument."

"I am one of the opinion that a city has the right to discontinue streets so laid out under certain limitations. The finding, therefore, will be that all the streets declared opened to the line of low tide or the south and west side of the city prior to 1868 constituted and became public streets, and that the ordinance of the city of each ordinance the land was the property of the city."

"What was the effect of the ordinances of April 1st and 2d?"

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CARPENTER CONVEYANCE.  
"As we have before said, it is plain from the reading of the opinions filed by the Justices concurring in the reversal of this cause that the only apparent obstacle to the city's claim to the land in question is the conveyance to Carpenter on May 17, 1862, was the lack of legislative sanction. According to the decision, this sanction was given either in 1861 or 1862. If in 1861, the Legislature ratified and confirmed all the ordinances of the town. It did not pretend to make a new grant, but to ratify one already made."

"If legislative sanction was not given until 1862 we must look to the ordinances of the town for our guide. It cannot be said that we can look beyond the plain language of the act of March 21, 1861, for light as to its meaning, or that we may specifically apply it to the case at hand. The ordinance of 1861, in reference to the conveyance of May 17, 1862, and its demands and controversies, and, as we have before said, there is nothing implied or expressed therein with reference to the compromise with Carpenter."

"The ordinance passed by virtue of this enabling act are confirmatory ordinances, pure and simple, and do anything, they make valid the conveyance of May 17, 1862. There is no language used in either of them importing a new grant, but the words there used are mere words of release and compromise, and no new deed or ordinance of grant were made or passed."

"Supreme Court having construed the compromise of 1861 or the ratification of 1862 as being effective, it only remains for this Court to give effect to them."

"While I am aware that the learned Chief Justice has used the words 'wholly null,' was a gross and evident excess of power on his part, and that in reference to the conveyance of May 17, 1862, and its demands and controversies, and, as we have before said, there is nothing implied or expressed therein with reference to the compromise with Carpenter."

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## Woodmen of the World.

The conferring of the Armorial Hall of Esquire on Page Wright, Oklahoma Lodge No. 3, K. of P., at its Castle Hall on the evening of January 31, brought together an unusual large gathering of the Pythian fraternity, besides its individual members. Representatives were present from several sister branches of the organization, conspicuous among them being West Oklahoma 141, Live Oak 17, Piedmont 172, Pa-

On the 25th of last month the ladies of Oakland Hive No. 14, L. O. T. M., installed their officers for the ensuing term as follows: Past lady commander, Mrs. Mary Heskins; lady commander, Minnie W. Aydelotte; lieutenant-commander, Eva Waterhouse; record keeper, Edna Patton (re-elected); financial officer, Mary E. Nelson; chaplain,

In a few well chosen remarks presented Sister Chloupek with a handsome gold pin, emblematic of her station in the order, with the compliments of Loyal Templars.

To say that Sister Chloupek was surprised is putting it rather mild. In gaining her presence of mind, she thanked the members of Loyal Templars, and promised to be as loyal to the temple as they were.

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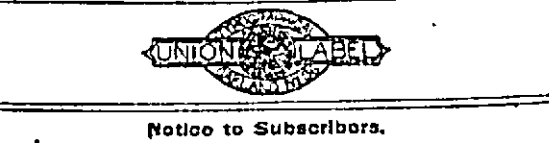
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Notice to Subscribers.  
Subscribers will please report any irregularity or delay in the delivery of THE TRIBUNE. Notice sent to this business office, 417 Eighth street, or by telephone to Main 10 will receive prompt attention.

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The Eastern offices of THE OAKLAND TRIBUNE are situated at 230 to 234 Temple Court, New York City, and at 317 and 319 U. S. Express Building, Chicago, with Mr. E. Katz as manager.

- Amusements.**  
Dewey—"Wicked London."  
Columbia—"A Midsummer Night's Dream."  
California—"The Tale of the Uppercrabs."  
Orpheum—"Vaudville."  
Alhambra—"The Sorrows of Satan."  
Tivoli—"The Girl of the Year."  
Grand Opera House—"Shamus O'Brien."  
Central—"Daughter of the Million."

THURSDAY .....FEBRUARY 7, 1901

**AFRAID OF UNCLE SAM.**

Has the United States become the great overshadowing ogre of the earth? The European press during the past few months is unanimous in agreeing upon one point and that is that something must be done to stave off our industrial, commercial and financial progress. All sorts of propositions are advanced as to how this object is to be attained, radical writers going so far as to suggest that a universal crusade of arms be inaugurated to crush the North American Republic, while others talk of a Zollverein of all the European powers to prohibit the importation of American products. The trade reports of the Old World are full of gloomy forecasts concerning conditions over there and are correspondingly replete with reference to our progress and prosperity.

Only a few years ago these same newspapers and trade journals were engaged in giving this country all sorts of advice. We were regarded as a sort of bumpkin race sadly in need of instruction as to how to get along. Our consular methods were sneered at and our tariff policy was deprecated as being harmful to us. Now these critics have awakened to the fact that we are a long way ahead in the race. Europe owes us a trade balance which is constantly increasing and the Old World governments are compelled to come over here to borrow money. American enterprise and capital have entered the European centers and are providing and projecting street railways of a modern type, putting in up-to-date lighting plants and introducing other comforts, all of which means that the people across the water are getting deeper into our debt and that we are increasing our mortgage on them.

In the meantime we are building up our navy and fortifying our seacoasts. Our war vessels are admittedly the best constructed and the finest equipped in the world. They are modern in every particular and our navy is not all on paper or mostly composed of old junk. Our army is organized on business lines and it is not for show nor ornament. It is not hampered by gorgeous uniforms nor burdened with gold braid but is lightly clad and ready for effective service at a moment's notice. Our little trouble with Spain showed that on sea or land we are not behind the times and yet that our effort was scarcely a holiday jaunt and did not give any idea of what we could do when engaged in serious business.

Of course, these facts are appreciated by the European cabinets, and while the excited journalists may bluster about retaliation and fight, those who hold the reins of power know that we have outgrown the time when we can be dictated to. So far as the Old World is concerned it has many a regret that the Plymouth Rockers were ever permitted to come over here and open shop. They succeeded so well in the business of conducting their own affairs that they have a mortgage plastered on the rest of creation and are making the other fellows who stayed at home scratch like the mischievous to pay the interest.

**PREPARE FOR THE COLONISTS.**

The inauguration of the colonist rate over the Southern Pacific and the Santa Fe routes to California, which goes into effect in April, will undoubtedly bring thousands of people to this coast, and the time is ripe in which to begin making preparations to receive them. It devolves upon our commercial and other organizations of a public-spirited character to see to it that the incoming colonists are put in the way of opportunities to secure lands suitable to their purposes and needs. In the first place, immigrants of this class have a very limited capital, but what they do possess should be wisely invested that, combined with their own efforts and labor, they can soon find themselves able to make their own way. In the settlement of the Northwest Territories the settlers were given the lands upon long time payments and in some cases were furnished with the seed and stock necessary to begin operations. They were also given credit for such goods as were necessary to support them and their families until the crops were harvested.

Of course, this is not necessary now, but we should make every effort to give these people an opportunity to learn of the various advantages of the different sections of the State. California requires just such a class of settlers and no matter whether they take up their homes in San Diego or Siskiyou, they will have a material influence in aiding in the development of the State and will thus benefit all. There are millions of acres of Government lands available for entry and many millions more of individual holdings that ought to be subdivided and placed on the market for sale to actual settlers. Those organizations having the interests of the State at heart should bend their energies toward seeing that the incoming colonists are not wrongly advised and that every facility is given them to locate advantageously. By a united and well directed effort there is no reason why California should not become the Mecca of the industrious and hard working settler just as it is the haven for the health seeker and well-to-do tourist.

Monsignor Martineau is to be given a Cardinal's hat. It is a good thing for him that the newspapers are giving so much publicity to the fact, for it will save him lots of trouble answering questions as to where he got it.

It has been discovered that the Chinese have been expelling the remains of their dead to China under the guise of fishbones. Probably the mistake occurred through their marking the packages C. O. D.

**POINTED PARAGRAPHS.**

Merit often turns up in unexpected places.  
A man without a country is one who lives in a town.  
Whee is he who has a cane ready for the bird in hand.  
Corkscrews have sunk more people than cork jackets ever saved.  
When you can get a horse at a bargain—drive the bargain.  
The rolling stone reaches the foot of the hill in due time.  
Empty compliments and senseless abuse are on an equal footing.  
Smartness enables a man to catch on and wisdom enables him to let go.  
A stiff upper lip is useless when pitted against a wagging lower jaw.  
The ribbon of the stock ticker might be appropriately termed "tick tape."  
The larger a man's salary is the larger the increase he thinks he is entitled to.  
Some men are so accustomed to making fools of themselves that they don't mind it.  
It takes two to make a quarrel—but when one is willing it's easy enough to find another.  
When a young man takes a pretty girl for a boat ride he is seldom content with hugging the shore.  
A splinter says that an old bachelor is a man who has lost an opportunity to make some woman miserable for life.—Chicago News.

**NEW YORK.**

The low line of the walls that lie outspread  
Miles on long miles, the fog and smoke and stime  
The wharves and ships with flags of every clime,  
The domes and steeples rising overhead!  
It is not these. Rather is it the tread  
Of the million heavy feet that keep sad time  
To heavy thoughts, the want that mothers crime,  
The weary tolling for a bitter bread,  
The perishing of poets for renown,  
The shrike of shame from the concealing waves.  
Ah, me, how many heartbeats day by day  
Go to make up the life of the vast town!  
O myriad dead in unremembered graves!  
O Orient of the living down Broadway!  
—Richard Hovey.

**BOERS PLAY INTO BRITISH HANDS.**

Associated Press Dispatch to The Tribune.  
LONDON, Feb. 7.—The Daily Mail has the following from its Lisbon correspondent:  
The King of Portugal is staying a few days longer in London than he originally intended, at the express wish of King Edward. His visit is likely to have important developments. The Portuguese section of the Delagoa Bay Railway is now in British hands, but this is merely a temporary arrangement between the two governments.  
Commenting upon the situation at Delagoa Bay and the evidence that the Boers have penetrated twenty-three miles into Portuguese territory, the Daily Mail expresses a belief that British troops are now guarding the Delagoa Bay Railway down to the sea, and that it will be possible to send troops by the Delagoa route. It urges, therefore, that Great Britain gains by the Boer movement.

**BIG SHIPBUILDING DEAL OFF.**

Associated Press Dispatch to The Tribune.  
NEW YORK, Feb. 7.—A special to the Times from Philadelphia says:  
It is currently reported that all negotiations between the Vickers Brothers-Maxim firm of England and the Cramp Shipbuilding Company of this city, looking to the practical amalgamation of the companies, have been broken off. It was understood that all details for the carrying out of the plan were to have been perfected at a meeting of the Cramp Company, which was said to have been scheduled for today, and at which the Vickers Brothers-Maxim representatives were to be present. Now that the deal has been declared off the matter is not likely to be mentioned at this meeting.

**SITE SELECTED FOR NAVAL ARCH.**

Associated Press Dispatch to The Tribune.  
NEW YORK, Feb. 7.—The approval of the city officials has been given to Battery Park as a site for a naval arch to commemorate the deeds of valor by the United States sailors. Mayor Van Wyck gave his approval of a site selected by a committee of the Naval Academy Alumni Association, and he said \$1,000,000 ought to be raised for such a purpose.  
According to the naval men who have taken hold of the plan the money will be raised either by popular subscription from the city of New York or by aid from the State of New York or the United States Government.

**KAISER FEELS HIGHLY HONORED.**

Associated Press Dispatch to The Tribune.  
LONDON, Feb. 7.—The court circular announces that Emperor William, in thanking King Edward for conferring upon him the rank of field marshal, said the honor enabled him to wear a uniform similar to that worn by the Duke of Wellington and Earl Roberts, a compliment that would be highly appreciated in the German army.

**BALLINGTON BOOTH COMING.**

Associated Press Dispatch to The Tribune.  
NEW YORK, Feb. 7.—Mrs. Maud Booth, wife of Commander Ballington Booth of the Volunteers of America, has returned to her home at Montclair, N. J., after an extended trip through the West. Commander Booth will start next week for California.

**HEAVY LOSS OF LIFE REPORTED.**

Associated Press Dispatch to The Tribune.  
LONDON, Feb. 7.—The Daily Express and the Morning Leader publish sensational dispatches from Vienna and Budapest to the effect that papers in those cities assert that between twenty and thirty people were killed at Marasvansarhely.

**NO MORE HORSE MEAT FOR NEW YORK**

Associated Press Dispatch to The Tribune.  
NEW YORK, Feb. 7.—The Board of Health by a unanimous vote has prohibited the future slaughter of horses in this city and the sale of meat from all such animals slaughtered elsewhere.

**EMPEROR WILLIAM HOME AGAIN.**

Associated Press Dispatch to The Tribune.  
BERLIN, Feb. 7.—Emperor William arrived at Homburg at 8 o'clock this morning. The Prince reached Potsdam at 8:30.

**ABE P. LEACH TAKES A BRIDE.**

**Pretty Wedding at the Mehrmann Home.**

Abe P. Leach, the well-known young attorney, and Miss Freda Curtis were married at 5 o'clock yesterday afternoon at the residence of Dr. and Mrs. H. B. Mehrmann in Golden Gate.  
The ceremony was performed by Rev. C. H. Brown of the First Congregational Church.  
The bride was attended by her sister, Miss Eda Curtis, and the groom by his brother, Edwin H. Leach. Only the immediate relatives were present at the ceremony. After congratulations were over an elaborate wedding breakfast was served, covers being laid for thirty-two.  
The couple were united beneath their floral wedding, bells of bride's roses, narcissus, and carnations which hung in the drawing room of the Mehrmann home. The apartment was beautifully decorated with almond blossoms and strings of smilax.  
The reception, which followed the nuptial took place at 9 o'clock. The Mehrmann grounds were strung with Japanese lanterns and gay colored lights for the occasion. There were nearly 200 guests present, many coming from San Jose, the former home of the bride.  
Mr. and Mrs. Leach left on their honeymoon today, and after a short trip will reside in their own home on Eighteenth street, which was completed recently for the groom.  
The bride is a sister of Mrs. Mehrmann and has been prominent in social circles in San Jose and the Bay cities.  
Mr. Leach is a son of F. A. Leach, superintendent of the United States Mint, and is at present Assistant District Attorney, acting as city prosecutor. He is a prominent Mason and a member of many social and fraternal organizations. He is one of the most popular young men of Oakland and enjoys a host of friends.  
The bride is a well-known in society. It is accomplished and has a host of friends.

**PERSONAL.**

Eula Brackett of Oakland, who is clerk to the Chief Quartermaster at Vigan, Philippine Islands, will leave there shortly for America. He expects to come by way of New York and after spending a few months there will return to Oakland.  
Mr. and Mrs. Ross I. Buell of Sacramento have moved to Oakland and are residing at 1212 Kirkham street.

**TREBELLI WILL GIVE FINE CONCERT.**

Antonietta Trebelli, the famous singer, assisted by Robert Clarence Novell, will give a concert at the First Unitarian Church February 11 at 8 P. M. Seats will be placed on sale at Kohler & Chase's store on Monday next. The program is as follows:  
a The Grand Sonnet.....Tergolese  
a Ma Rendu Part.....Bellini  
a Isolauri.....Mastri  
a Tarentelle Fantastique op. 25.....Mastri  
a Divines Du Styx (Le Gods of End.....Gluck  
a When Thy Sweet Glimmer.....Dvorak  
a Songs My Mother Taught Me.....Chopin  
a Preludes, G. major, B minor.....Chopin  
a Etude op. 10, No. 5.....Chopin  
a Polacca (Mignon).....A. Thomas  
a Revisions.....A. Thomas  
a Hercule.....Tchakovsky  
a Two Spinning Songs.....Mendelssohn  
a The Emerald Song.....Haydn  
a Away, Away.....Loh

**J. L. DAVIE IN FAVOR OF DOLLAR LIMIT.**

Ex-Mayor John L. Davie is now in the fight as an independent candidate for Mayor. He says "My platform is city ownership of water plant. I have two years' experience as Mayor. I am satisfied that a dollar limit of taxation will raise sufficient funds, if economically expended to meet all demands upon the city treasury."

**FUNERAL OF THE LATE H. H. LAWRENCE.**

The funeral of the late Henry H. Lawrence took place from the Brooklyn Presbyterian Church yesterday afternoon. Rev. H. W. Fraser officiated. Many members of the California Pioneers attended the funeral.  
There were many floral tributes, including appropriate emblems from Collector of Port Frederick S. Stratton and the Pioneers. The music was rendered by a choir composed of Mrs. H. L. Revell, Mrs. Charles L. Dindler, J. S. Murdoch and Harry L. Perry. Mrs. C. H. Daly was organist. The pallbearers were W. W. Chase and A. H. Phelps of the Society of California Pioneers, Wallace Bradford, James M. Haven, George R. Williams, Rev. J. M. Alexander and John Russell. The interment was in the Pioneers' plot, Masonic Cemetery, San Francisco.

**Injured His Ankle.**

C. H. Timmons, a laborer, got caught beneath a dock plank on the wharf Marso yesterday afternoon and had his left ankle crushed. He went to the Receiving Hospital, where Warden Page dressed his injuries. Timmons resides at 1911 Twenty-second street.

**Pears'**  
Pears' soap is nothing but soap.  
Pure soap is as gentle as oil to the living skin.  
Pears' is the purest and best toilet soap in all the world.



When a man is drowning his rescue is a question of timely help. It is the same thing in disease. Many a time the doctor says of a man whose condition is hopeless, "If you'd begun in time you might have been cured."  
This is especially true when the disease affects the lungs. Delay is dangerous. The timely use of Dr. Pierce's Golden Medical Discovery will result in a quick cure of deep-seated coughs, bronchitis, and weak lungs. Even when hemorrhages have been frequent and profuse "Golden Medical Discovery" has been used time and again with the result of a perfect and permanent cure. Mr. McCaskey, of Leechburg, Armstrong Co., Pa., had eighty-one hemorrhages, and after other medical aid had failed he was completely cured by the use of "Golden Medical Discovery."  
Accept no substitute for "Golden Medical Discovery." There is no other medicine just as good for "weak" lungs.  
"I was in poor health when I commenced taking Dr. Pierce's medicine," writes Mr. McCaskey, "I had a severe cough and hemorrhage of the lungs, but after using your medicine while I continued to gain in strength and flesh, and stopped coughing right away. Took about six bottles of the Golden Medical Discovery" then, and last spring I had Grippe and it settled on my lungs, leaving me with a severe cough. I had the doctor, but he did not seem to bring me any relief. I commenced your medicine again and took three or four bottles of the "Discovery" and two of Dr. Pierce's Peppermint Cure, and I feel like a different person. I gladly recommend your medicine to all sufferers, for I know it cures me."

Dr. Pierce's Common Sense Medical Adviser, paper covers, is sent free on receipt of 21 one-cent stamps to pay expense of mailing only. Address Dr. R. V. Pierce, Buffalo, N. Y.

**YOUNG CHRISTIANS CONVENE TOMORROW.**

Edited by the Alameda County Christian Endeavor Union.  
The twelfth annual convention of the Alameda County Union will be held tomorrow in the Tenth Avenue Baptist Church, corner of Tenth avenue and Fourteenth street, East Oakland.  
The convention opens at 4 o'clock and promises to be of unusual interest. All the societies should have large delegations there, and others who are interested in this great movement are cordially invited to attend.  
The papers by Dr. Ray E. Gilson, Miss Jessie Hurlbly and Mrs. F. C. Lee are on live Christian Endeavor subjects, and no one should miss hearing them.  
A basket lunch and tonics will fill the interim between the afternoon and evening sessions. Tea and coffee only will be served, and the delegates are asked to bring basket lunch.  
Rev. Paul Stewart will address the Endeavorers on "Twenty Years of Christian Endeavor," and Rev. W. M. White will speak on "What the World Has a Right to Expect of Twentieth Century Christian Endeavorers." No one can afford to miss the inspiration from these two addresses, so plan and come early in the afternoon and stay through the consecration service, which will be led by Rev. Dwight E. Potter, whose name is a guarantee that the service will be unusually impressive.  
The county officers will be installed by State President J. M. Warren. They are as follows:  
President, Mr. Leo Rogers; vice-president, Mr. Du Mar; secretary, Miss Hillechuck; corresponding secretary, W. M. Hird; treasurer, John Patton.  
To reach the convention church take the Haywards and Tenth street car, Eighth street line and stop at Tenth avenue. The church is located one block north of the Twelfth street line, two blocks south of the Hayward line and three blocks south of the Eighth street line.  
The program is as follows:  
AFTERNOON.  
4:00—Prize Service, led by Rev. Raymond C. Brooks.  
4:15—Devotional service, Miss Clara Westley.  
4:25—Music.  
4:30—Paper, "Ideal Society," Dr. Ray E. Gilson.  
4:45—Discussion.  
4:55—Music.  
5:00—Paper, "Ideal Meeting," Miss Jessie Hurlbly.  
5:15—Discussion.  
5:25—Music, Miss May B. Cruff.  
5:30—Paper, "Ideal Member," Mrs. F. C. Lee.  
5:45—Discussion.  
5:55—Violin Solo, Miss Josephine J. Parker.  
6:00—Basket Lunch.  
6:05—Prize Service, Mr. George P. Lowell.  
EVENING.  
7:00—Prize Service, led by Mr. O. M. Vesper.  
7:10—Devotional service, Mr. H. W. DuMar.  
7:20—Report of County President, Dr. O. S. Dean.  
7:30—Installation of officers by State President J. M. Warren.  
7:45—Offertory Music.  
8:00—Address, "Twenty Years of Christian Endeavor," Rev. Paul Stewart.  
8:10—Music.  
8:15—Address, "What the World Has a Right to Expect of a Twentieth Century Christian Endeavorer," Rev. W. M. White.  
8:30—Music.  
8:40—Consecration service, Rev. D. E. Potter.  
8:45—Benediction.  
The music for the evening service will be furnished by the Tenth avenue Baptist Choir.

**Something to Remember.**

You can still get the best liquors at the lowest prices at J. Merle's French Wine and Liquor Store, 511 Broadway, near Eighth. Phone 12 brown.

**"My Cake is Dough."**

Did not use Sperry's Flour.

**Graphophones Rented**

With operator, 11 per evening. Address Earle Warren, 207 Eighth st., Oakland.

**WHITE PAINTED IRON BEDS.**

Trimmed. Tomorrow we will offer at reduced rates a fine line of beds and wire mattresses, fancy substantial galvanized. H. Schellhans, Eleventh st. Corner street.

**Rags Wanted.**

Will pay 3 cents per pound for good clean rags suitable for wiping machinery. Apply to Pressman, Tribune office, 417 Eighth street.

**Go to Swenson's for Furniture.**

Lowest prices. 207 Tenth street, corner Franklin. Phone brown 33.

**KAHN'S—THE ALWAYS BUSY CORNER.**  
**Special Drives in Napery**  
(See Twelfth Street Windows)  
**Surplus Table Linens.**  
The following are values offered for the purpose of reducing our Surplus Stock—too many on hand—Housekeepers can't have too many linens—Here's your chance.

**Damask Table Sets**—These sets consist of Table Cloth 3 yards long and 3 yards wide—also a dozen fringed Doylies—valued at three dollars—Surplus Sale.....\$1.78  
**Damask Table Sets** 2½ yards long is the Table Cloth—also dozen Doylies—three-fifths is the value, and Surplus Sale.....\$1.98  
Another, better kind, Table Cloth 3 yards long—dozen Doylies—actual four dollar value—Surplus Sale.....\$2.29  
**Linen Sets**—pure white satin damask cloth, 3 yards wide. Dozen handsomely fringed doilies, usual price five dollars. Surplus Sale.....\$2.29  
**Another Kind**—with cloth 3 yards wide and three yards long—actual value six dollars. Surplus Sale.....\$4.25  
**Florie Linen Sets**—cloth 3 yards wide, 3 yards long, dozen fringed doilies, six dollar sets. Surplus sale.....\$4.25  
**Satin Damask Table Cloths**—yard square, splendid dollar value for.....27c  
Same in 1½ yard square, worth \$3.50, for.....2.78  
See all of above on display in 12th Street Windows.  
**Standard Designers—March Number.**  
March number now in—ring up Main 337—order sent home.

**Kahn Bros.**  
the always busy store  
N. E. 12th and Washington—Oakland.

**WHEN YOU HAVE THE Grippe USE J. F. Cutter Whiskey**  
—AND—  
**QUININE**  
It will cure you  
**E. MARTIN & CO.**  
Sole Agents  
54 FIRST ST.  
San Francisco, Cal.

**WHAT EVERYBODY DOES**  
it is safe to say is right.  
Everybody buys the pure, up-to-date and reasonably-priced candies and ice-creams made by  
**E. LEHNHARDT**  
1159 BROADWAY

**MADE BY GED. P. IDE & CO. 526 MARKET STREET**  
**LAIGLON**  
**KIPLING**

**COAL**  
**J. ROHAN**  
Gives Full Weight  
Cheaters Never Prosper  
OFFICE AND YARD:  
(N. E. COR.)  
Fifth and Washington Sts.  
Tel. Main 645

**AMUSEMENTS**  
**MACDONOUGH THEATRE**  
Matinee and Night, Tuesday, Feb. 12  
Direct from European Triumphs.  
**SOUSA**  
AND HIS BAND.  
His Sousa and his excellent musicians are first the aid of the celebrating capital—La Journal des Debats, Paris.  
"The March King,"  
**JOHN PHILIP SOUSA**  
Conductor.  
Blanche Duffield, - - Soprano  
Bertha Bucklin, - - Violonista  
The New Sousa March.  
"HAIL TO THE SPIRIT OF LIBERTY."  
Prices—\$1.50, \$1.00, 75c, 50c.

**MACDONOUGH THEATRE**  
One Night—Friday, February 8  
**The Henschels**  
PRICES - - - \$1.50, \$1.00, 75c, 50c  
Seats now on sale.

**DEWEY THEATRE**  
"Phone Main 36."  
Tonight, all this week and Saturday matinee, The Stevens' Magic Company—  
**Wicked London**  
Seats on sale at Smith's Drug Store, 475 Twelfth st., near Broadway, and at Theatre. Prices—1st, 2nd, 3rd, 50c.

**San Francisco Jockey Club**  
(SEASON 1900-1901)  
**75 Days of High-Class Racing**  
—AT—  
**TANFORD PARK**  
Third Meeting  
Jan. 21st to Feb. 9th inclusive  
Six or More Races Each Day.  
Two Hurdle Races every week during Third Meeting. Horse of the Year Highest Class Entered in the Blake Events.  
Trains leave Third and Townsend Streets for Tanford Park at 7:00, 10:00 and 11:30 a. m., and 1:00, 3:00 and 5:00 p. m.  
Trains leave Tanford Park for San Francisco at 10:45 p. m., followed by a trolley of a few minutes after the last race by several special trains. Near cars reserved for ladies and their escorts. Music furnished by a superior band.  
MILTON S. LATHAM, Secretary.

**THE LIFE OF Queen Victoria**  
Is the book for agents just now. From \$15 to \$25 per week made in selling it. Secure outfit from  
**OCCIDENTAL PUB. CO.**  
the Pacific Coast Headquarters for all the best Subscription Books published. Best terms to agents. All freights and expenses saved by dealing with us. Address for particulars  
M. A. THOMPSON, Oakland, Calif.

**Some of the Bargains For Sale!**  
ON YOUNG STREET—Extra choice lot of new, only 1000.  
ON AND ONE-FIFTH ACRE of land of the city limit. Good modern house of 10 rooms. Bath, fruit trees, etc. Situation on foot along the Bay. Healthiest location in town. Price \$10,000—reduced to \$7,500.  
ON 1000 FT. OF WATER—near Grove street—sunny side. Lot 50 x 100. All street work done. Worth \$2000. Reduced to make quick sale. \$1500.  
We have the largest and latest line of Business, Manufacturing, Income and Real Estate property, both improved and unimproved, of any firm in the city. Call and see us.  
**J. H. MACDONALD & CO.**  
1063 BROADWAY, Cor. Eleventh St.











**NOTICE.**

Notice is hereby given that the undersigned, Tax Collector of the county of Alameda, State of California, is in receipt of the assessment book of said county of Alameda, and that in accordance with the provisions of Section 116 of the Political Code of the State of California

by law, and that the taxes are shown by said assessment roll as being due and payable at my office in the Court House of said county of Alameda, in the city of Oakland, county of Alameda, State of California, every day (except legal holidays) during office hours, after the second Monday in October, 1900, and as follows:

The taxes on all personal property taxable by real property, and one-half the taxes on all real property in the county of Alameda, will be due and payable on the

**SECOND MONDAY IN OCTOBER IN**  
**THE YEAR 1900.**

At my office in the Court House of said county of Alameda, situated in the city of Oakland, county of Alameda, State of California.

At 6 o'clock P. M. of said day, and unless said prior notice has been published, will be added to the amount thereof, and that if said one-half be not paid before the first Monday in April, 1901, five per cent will be added to the amount thereof.

And notice is further given that the remaining one-half of the taxes on all real property in said county for the year 1900 will be payable to the undersigned, Tax Collector of said Alameda county, on or before the first Monday in April, 1901. Tax Collector, as aforesaid, and if the same be not paid on the first Monday in January, 1901, and on the first Monday in April, 1901.

**LAST MONDAY IN NOVEMBER, 1900.**

At 6 o'clock P. M. of said day, and unless said prior notice has been published, will be added to the amount thereof, and that if said one-half be not paid before the first Monday in April, 1901, five per cent will be added to the amount thereof.

And notice is further given that the remaining one-half of the taxes on all real property in said county for the year 1900 will be payable to the undersigned, Tax Collector of said Alameda county, on or before the first Monday in April, 1901. Tax Collector, as aforesaid, and if the same be not paid on the first Monday in January, 1901, and on the first Monday in April, 1901.

**LAST MONDAY IN JANUARY, 1901.**

At 6 o'clock P. M. of said day, and unless paid prior thereto, five per cent will be added to the amount thereof, and that if said one-half be not paid before the first Monday in April, 1901, five per cent will be added to the amount thereof.

And notice is hereby further given that in accordance with said Section 4746 of the Political Code of the State of California, the taxes on all real property in said county for the year 1900, at the taxes, whether first or second installment, before delinquency thereof, shall be payable to the undersigned, Tax Collector of said Alameda county, on or before the first Monday in April, 1901. Tax Collector, as aforesaid, and if the same be not paid on the first Monday in January, 1901, and on the first Monday in April, 1901.

cenths; addid thereto as is above  
forth, may be paid to me at my office  
herein, at any time during business  
hours, as aforesaid, and after mid  
SECOND MONDAY IN OCTOBER, 1901.

And upon such full payment being made  
full receipts for the same, both first  
and second installments, will be given in  
concordance with law.

Dated at Oakland, California, this  
day of October, 1900.

**JAMES B. BARBER,**  
Tax Collector of the County of Alameda,  
State of California.

**Notice of Administrator's Sale**  
**San Pablo Avenue Real Estate**  
**and Other Real Estate at Private**  
**Sale.**

Superior Court of Alameda, County of  
California.

Charles Habb, deceased.  
Notice is hereby given, that in pursu-  
ance of an order of the Superior Court of  
Alameda county, State of California,  
made on the 25th day of January, A.  
1901, in the matter of the estate of Chas  
Habb, deceased, the undersigned, the ad-  
ministrator with the will annexed of said  
estate, will sell at private sale, to the  
highest bidder, for cash, gold coin of the  
United States, all the real and sub-  
jacent interests owned by said Superior Court

[illegible]

Being lot number four (4) in block number two thousand and thirty-two (2032), containing one acre and six tenths (1.6) of an acre, more or less, and was so designated upon a certain map entitled "The Howland Tract, Oakland," filed in the office of the County Recorder, Alameda County, California, on the 17th day of April, A.D., 1908.

Second.—Commencing at a point of the southeast corner of Twenty-eighth and Linden street, to wit: at the intersection of said line of Twenty-eighth street with the westerly line of Linden street, and running thence easterly along with the said line of Twenty-eighth street, to wit: to the intersection of said angle southerly and northward with said line of Linden street one hundred (100) feet; thence at right angles southerly along with said line of Linden street thirty-two (32) feet to said line of Linden street; thence easterly along and with said line of

[illegible]

GEORGE L. J. SMITH,  
 Administrator with the will annexed  
 the estate of Charles Hubb, deceased.  
 For further particulars in relation  
 said real estate apply to the said  
 administrator at his office, 416 Kearny  
 San Francisco, Cal., or at the law  
 of J. H. Smith, attorney for said  
 administrator, 227 Broadway, Oakland, Cal.

Public notice is hereby given that on Saturday, the 24th day of February, at the hour of 10 o'clock A. M. and on the property of the Mercede Smelting, Fuelville, Alameda county, State of California, we will sell at public sale the highest bidder, for cash in advance of the United States, all the claims and are situated upon said premises one parcel.



